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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,147	01/31/2002	Lorin R. Sutton	06975-211001 / Network 09	5982
26171 7590 06/25/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 06/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/059,147	SUTTON ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15,30-35 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15,30-35 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/15/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment, and remarks therein, received on 4/11/07 have been entered and carefully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

3. The amendment addresses the objections cited in the previous Office Action. As a result, the objects are withdrawn.
4. The amendment introduces new limitation into the independent claim 1. The new claim 1 overcomes the art of record. The new search revealed that the prior art fails to anticipate or fairly suggest the limitation of applicant's independent claim 1, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper.
5. The newly introduced claims 52-54 are addressed in this Office Action, below.
6. Claims 1-3, 6-15, 30-35 and 52-54 have been examined.

Claim Rejections - 35 USC § 103

7. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (U.S. Patent No. 7092992) in view of Cotton (U.S. Patent No. 6330590) and further in view of Marsh (USPN 6763462).

Yu discloses receiving a first electronic mail message sent to an intended recipient, accessing from electronic storage, data used to identify unacceptable electronic mail

messages, analyzing the first electronic mail message with respect to the accessed data used to identify unacceptable messages, determining that the first electronic mail message is presently acceptable based on the analysis of the first electronic mail message and transmitting the first electronic mail message to the intended recipient to enable access of the first electronic mail message by the intended recipient and tracking the location of the transmitted first electronic mail message (e.g. Fig. 1 with associated text, col. 2 line 55-67 etc. The examiner considers an unwanted message to be equivalent to unacceptable message).

8. Although Yu does not explicitly disclose receiving multiple electronic mail messages subsequent to receipt for the first electronic mail message and inspecting the received multiple electronic mail messages, the limitation is implicit. Yu's does disclose that upon receiving a first message receiving and inspecting of additional electronic messages sizes.
9. Yu also does not disclose determining that the transmitted first electronic mail message is now unacceptable based on the inspection of the received multiple electronic mail messages.

Cotton discloses determining that transmitted messages (e.g. the transmitted first electronic mail message) are unacceptable based on the inspection of the received multiple electronic mail message (e.g. Cotton, col. 4 lines 20-52). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to determining that transmitted messages (e.g. the transmitted first electronic mail message) are unacceptable based on the inspection of the received multiple

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electronic mail message. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide additional SPAM detection mechanism.

10. Yu in view of Cotton does not disclose enabling deletion of the transmitted first electronic mail message based on the tracked location of the transmitted first electronic mail message.

Marsh discloses enabling deletion of a message based on the tracked location the message (Marsh, col. 3 line 35. The examiner considers notification of a user about possible problem with a message to be equivalent to enabling deletion of a message). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to enabling deletion of a message based on the tracked location of the message as taught by Marsh given the benefit of providing the user with the information about the updated findings.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horvitz (USPN 6161130),

Aronson (USPN 6654787),

Patel (USPN 7149778).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6/19/07



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER